



# MEMO ENDORSED

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August 28, 2019

**VIA ECF**

The Honorable Louis L. Stanton  
United States District Judge  
U.S. District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

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**Re: *Command Arms Accessories, LLC and CAA Industries, Ltd. v. ME Technology Inc.*, Case No. 1:19-cv-06982-LLS (S.D.N.Y.)**

Dear Judge Stanton:

This firm represents ME Technology, Inc. ("ME Technology"), the defendant in the above-referenced action. I write in accordance with Paragraph 1(e) of the Court's Individual Practices to request an extension of ME Technology's deadline to respond to Plaintiffs' re-filed motion for preliminary injunction ("Re-filed Motion").

Plaintiffs re-filed their Notice of Motion for Preliminary Injunction (ECF No. 15), Memorandum of Law in Support of Motion for Preliminary Injunction (ECF Nos. 16, 17), and Declaration of Moshe Oz on August 27, 2019.<sup>1</sup> ME Technology's response is therefore currently due on September 10, 2019.<sup>2</sup> This is ME Technology's first request for an extension of time to respond to the Re-filed Motion and second request for an extension of time to respond to a motion for preliminary injunction that Plaintiffs have filed or attempted to file. ME Technology's prior request for an extension of time (ECF No. 14) was pre-empted by the Clerk of Court's rejection of Plaintiffs' first attempted filing of their motion for preliminary injunction. Plaintiffs oppose an extension of time because, in Plaintiffs' view, "the special nature" of their motion "requires urgent consideration from the court."

<sup>1</sup> Plaintiffs attempted to file a motion for preliminary injunction and additional papers in support thereof on August 19, 2019. (ECF No. 11.) On August 26, 2019, the Clerk of Court rejected Plaintiffs' filing and directed Plaintiffs to re-file, as separate documents, their notice of motion, memorandum of law in support, and declaration in support.

<sup>2</sup> Plaintiffs have asserted, in correspondence among counsel, that ME Technology's response is due on September 3, 2019, based on the date Plaintiffs filed their rejected motion for preliminary injunction (August 19, 2019). This is incorrect. Plaintiffs' initial attempt to file their motion for preliminary injunction did not comply with Sections 13.2(e) and 15.5 of this Court's Electronic Case Filing Rules & Instructions ("ECF Rules"). Plaintiffs' attempted filing was therefore a nullity under Local Civil Rule 5.2(a), which provides that a paper "served and filed by electronic means in accordance with [the ECF Rules] is, for purposes of Fed. R. Civ. P. 5, served and filed in compliance with" this Court's Local Civil Rules. Furthermore, even if the Clerk of Court's rejection of Plaintiffs' papers did not nullify Plaintiffs' filing, ME Technology's response deadline would be September 6, 2019. See Fed. R. Civ. P. 6(d) (three additional days to respond when service is made by mail).

The Court has already granted ME Technology's motion to extend its deadline to respond to Plaintiffs' complaint and determined that the timing of ME Technology's response should be addressed during the Court's pre-motion conference regarding ME Technology's proposed motions to transfer this action to the Southern District of Florida and to stay the case pending the determination of that motion ("Conference"). In the interests of efficiency and judicial economy and to ensure the orderly administration of this case, the Court should grant ME Technology the same extension with respect to the Re-filed Motion, hold the Re-filed Motion in abeyance until the Conference, and address the timing of ME Technology's response to the Re-filed Motion during the Conference.

In the alternative, consistent with its prior request for an extension of time, ME Technology requests an extension of its deadline to respond to the Re-filed Motion until October 3, 2019. This extension is necessary to accommodate counsel's pre-existing deadlines and travel schedules and to give ME Technology sufficient time to research Plaintiffs' claims and respond to them in a manner that will meaningfully assist the Court.

Thank you for your consideration.

Respectfully submitted,

/s/ Timothy J. McGinn  
Timothy J. McGinn

cc: All counsel of record (via ECF)

7 Denied  
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9/3/19